



CLOSED CASE SUMMARY

ISSUED DATE: JULY 18, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0035

Allegations of Misconduct & Director's Findings

Named Employee #1

| Allegation(s): | | Director's Findings |
|----------------|--|---|
| # 1 | 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing | Not Sustained - Unfounded (Expedited) |
| # 2 | 15.410 Domestic Violence Investigations 6. Officers Will Standby to Assure the Peace | Not Sustained - Lawful and Proper (Expedited) |

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) responded to a domestic violence civil standby call following a domestic violence involving the Complainant incident earlier that day. The Complainant alleged that NE#1 improperly gave Community Member #1 (CM#1)—the Complainant's domestic partner— custody of the Complainant's pet. The Complainant also alleged that NE#1 favored CM#1 because CM#1 was a white male, and the Complainant was a black female.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's agreement, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employee in this case.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

The Complainant alleged that NE#1 failed to assist her during a civil standby. The Complainant further alleged NE#1 lied about the Complainant intending to leave her residence for the night. The Complainant insisted she only agreed to go until the situation cooled. The Complainant alleged that NE#1 told her he would retrieve her dog from CM#1 but left her dog with CM#1 instead.

OPA attempted to contact the Complainant for an interview but has not heard back.



B. Body-Worn Video (BWV)

NE#1's BWV showed:

NE#1 contacted the Complainant down the street from her home. The Complainant explained the domestic violence incident occurring that morning. NE#1 indicated he read the incident report, which suggested the Complainant intended to leave for the night. The Complainant said she left to de-escalate the situation, and when she returned, the locks were changed, and she was blocked from entering the garage.

NE#1 asked whether the situation was still escalated. The Complainant said yes. The Complainant also noted that she needed to retrieve medications inside the home. She said she would stay with her son for the night if required to leave. NE#1 offered to gather the Complainant's belongings, suggesting it was unwise for her to stay there if the situation had not cooled. The Complainant replied, "Okay, great. This is ridiculous," and listed the belongings she wanted NE#1 to retrieve. Among those listed was her dog.

NE#1 contacted CM#1 at home, who allowed NE#1 inside to collect the Complainant's belongings. NE#1 asked CM#1 who owned the dog. CM#1 said it belonged to the Complainant's son, who did not take care of it. CM#1 said he cared for the dog and paid for its medication and medical operations. CM#1 said the Complainant would not take care of the dog. NE#1 left to return to the Complainant. While en route, NE#1 was notified about another 9-1-1 call. NE#1 returned the Complainant's belongings and told her CM#1 had the dog. NE#1 told the Complainant he had to leave for another call and advised her to seek court intervention. NE#1 left with his emergency lights activated.

C. Incident Reports

OPA reviewed the General Offense (GO)/incident report for the domestic violence incident. The report indicated the incident was cleared without arrest due to conflicting accounts and no witnesses. The report stated that the Complainant planned to arrange alternate accommodations for the night.

D. Computer-Aided Dispatch (CAD) Data

CAD data showed that while NE#1 was en route to return the Complainant's belongings, a priority one suicide call was dispatched. NE#1 responded to that call soon after departing the Complainant.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#1 favored CM#1 because CM#1 was a white male and the Complainant was a black female.



SPD policy prohibits biased policing, defined as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatments based on race. *Id.*

OPA found no evidence that NE#1 disfavored the Complainant’s race or gender. Similarly, there was no evidence that NE#1 favored CM#1’s race or gender. The Complainant denied telling officers she intended to leave her home for the night. When the Complainant said she had an alternate option for the night, NE#1 suggested she use it since the domestic incident was still elevated. The Complainant was frustrated but ultimately agreed. As discussed at Named Employee #1 - Allegation #2, NE#1’s decision to leave the Complainant’s dog with CM#1 was consistent with SPD policy.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 - Allegation #2

15.410 Domestic Violence Investigations 6. Officers Will Standby to Assure the Peace

The Complainant alleged that NE#1 improperly gave CM#1 custody of her dog during a civil standby and departed the scene prematurely.

“Officers will not determine disputed property ownership without specific court-ordered instructions.” SPD Policy 15.410-POL-6. Further, “Officers will stay present with both parties while property is being gathered and transported and will remain on the scene until the parties have separated.” *Id.* Finally, “officers do not have to assist in moving property.” *Id.*

Here, there was a dispute over who had authority over a dog. The Complainant claimed ownership, and CM#1 said he provided and cared for it. NE#1 elected to leave the dog at the residence, a decision consistent with policy as no court order instructed otherwise. Further, where the Complainant took issue with NE#1 suddenly leaving the call, the policy requires officers to remain at a civil standby until the parties have separated. Here, the parties were separated. Moreover, even though he was unrequired, NE#1 personally retrieved the Complainant’s belongings from the house. While NE#1 did leave abruptly, he did so to respond to a priority one call involving a potentially life-threatening situation.

Accordingly, OPA recommends this allegation be Not Sustained - Lawful and Proper (Expedited)

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**